

**McGovern Legal Services, LLC**  
**Marlena S. Diaz-Cobo, Esq. (MD-4524)**  
**850 Carolier Lane**  
**North Brunswick, NJ 08902**  
**Phone (732) 246-1221**  
**Fax (732) 246-1872**

**ATTORNEYS FOR BIRCH GLEN CONDOMINIUM ASSOCIATION, INC.**

In re:

**FRED BOAHENE**

Debtor.

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY  
IN PROCEEDINGS UNDER CHAPTER 13  
OF THE BANKRUPTCY CODE

CASE NO.: **17-32218-CMG**

**OBJECTION TO CONFIRMATION OF  
DEBTOR'S CHAPTER 13 PLAN**

Creditor, Birch Glen Condominium Association, Inc. (the "Association"), by and through its counsel, McGovern Legal Services, LLC, hereby submits this objection to Debtor's plan of reorganization under Chapter 13 of the Bankruptcy Code. The Association's objection includes, but is not limited to the following:

**I. THE PROPOSED PLAN DOES NOT INCLUDE PAYMENT OF THE  
ASSOCIATION'S SECURED CLAIM.**

Debtor's proposed Chapter 13 Plan fails to properly identify and treat the Association's entire \$35,829.66 secured claim. The Association's proof of claim was timely filed on January 10, 2018. Upon information and belief, this lien secures the Association's claim against the Debtor's principal residence.

The Debtor's Chapter 13 plan does not propose to pay the Association its entire \$35,829.66 secured claim. Pursuant to 11 U.S.C. §1322(b)(2), the Chapter 13 Plan may "modify

the rights of holders of secured claims, other than a claim secured only by a security interest in real property that is the debtor's principal residence" (emphasis added). "Because the New Jersey Super Lien Law grants the association a lien with priority over the mortgage for up to six months of delinquent assessments and because the association filed a Notice of Assessment Lien pursuant to the same statute, the association's claim is secured. Therefore, the secured claim cannot be modified by a Chapter 13 plan." In re Robinson, 2012 Bankr. LEXIS 1033, 1 (Bankr. D.N.J. 2012); see also In re Rones, 551 B.R. 162 (D.N.J. 2016) and In re Holmes, 15-14034 (Bankr. D.N.J. September 19, 2017) (Gambardella, R). As a result, the Association objects to confirmation of Debtor's Plan since it does not provide for payment of the entire secured claim and the Lien is filed against the Debtor's principal residence.

Respectfully submitted,  
McGovern Legal Services, LLC

Date: January 10, 2018

By: /s/Marlana S. Diaz-Cobo  
MARLENA S. DIAZ-COBO, ESQ.

**CERTIFICATION OF SERVICE**

I, Marlena S. Diaz-Cobo, Esq., certify and state that this document was served upon the individuals and/or entities listed below by electronic mail on January 10, 2018. I am aware that if any of the statements made herein are willfully false, I am subject to punishment.

McGovern Legal Services, LLC

Date: January 10, 2018

By: /s/Marlena S. Diaz-Cobo  
MARLENA S. DIAZ-COBO, ESQ.

**SERVICE LIST**

**Via Electronic Service:**

CLERK, UNITED STATES BANKRUPTCY COURT  
402 East State Street  
Trenton, NJ 08608

FRED BOAHENE  
c/o Chong S. Kim  
449 Borough Lane, Ste. 5  
Palisades Park, NJ 07040

TRUSTEE  
Albert Russo  
Standing Chapter 13 Trustee  
CN 4853  
Trenton, NJ 08650-4853

U.S. TRUSTEE  
US Dept of Justice  
Office of the US Trustee  
One Newark Center Ste 2100  
Newark, NJ 07102